


REMARKS

As indicated above, Applicant substantially agrees with the Examiner. Regarding the word "substantially" in claim 1, Applicant respectfully submits that it is appropriate. See, for example, MPEP 2173.05(b)(D):

The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation "to substantially increase the efficiency of the compound as a copper extractant" was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

Therefore, Applicant respectfully believes that the word "substantially" can be retained in claim 1.

Respectfully submitted,



Andrew T. Hyman
Attorney for the Applicant
Registration No. 45,858

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WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP

755 Main Street, PO Box 224

Monroe CT 06468

Tel: 203 261-1234

Fax: 203 261-5676